

**Screening Form**  
**Low-Effect Incidental Take Permit Determination and**  
**National Environmental Policy Act (NEPA)**  
**Environmental Action Statement**

**I. HCP Information**

**A. HCP Name:** Rice Ranch Development Project Habitat Conservation Plan

**B. Affected Species:**

California tiger salamander (CTS; Santa Barbara County distinct population segment)

**C. HCP Size (in stream miles and/or acres):**

The applicant is proposing to construct an approximately 272 acre residential subdivision within the Rice Ranch development, including roadways, utilities, amenities, parks, and residential lots. The Rice Ranch development also includes more than 300 acres of natural open space. The project is located south of Orcutt, Santa Barbara County, California.

**D. Brief Project Description (including minimization and mitigation plans):**

The proposed HCP addresses impacts proposed in the Rice Ranch development, Orcutt, California. The Rice Ranch project site includes a total of approximately 586 acres of which 272 acres will be utilized for residential development, amenities, parks, a school, and drainage facilities, and more than 300 acres will remain as natural open space. Of the impacted acreage, approximately 42 acres will be restored with natural vegetation. Therefore, only 46% of the development area will be dedicated to residential, institutional, and amenity development.

The proposed HCP area is located southeast of State Highway 135 and west of US 101, and is accessed from Rice Ranch Road. The Project site is bordered to the north by dense residential housing and to the south, east and west by open rangeland and active oil production. The oilfield is currently owned and operated by Pacific Coast Energy Company LP (PCEC). The project site is within the known range of the Santa Barbara County Distinct Population Segment (DPS) of the CTS.

There are three known or potential CTS breeding in the vicinity of the Rice Ranch; ORCU-3 is a documented breeding pond. ORCU-1 and ORCU 2 are designated as potential breeding ponds based on pond characteristics. The entirety of the Rice Ranch development is within the 1.24-mile potential dispersal range of CTS from suitable breeding ponds.

The biological goal of this HCP is to contribute to the conservation of the CTS in Santa Barbara County by protecting occupied CTS habitat in Santa Barbara County through the purchase of mitigation credits at a Service approved conservation bank. The objectives of this HCP will be achieved through the purchase of 26 credits at a Service approved conservation bank, such as La Purisima Conservation Bank, to compensate for the loss of a reproductive value of 18,354. The purchase of 26 credits also accounts for the 20% correction factor for mitigating outside the metapopulation in which the impact occurs.

#### Avoidance and Minimization Measures

1. Initial ground disturbing activities will be conducted during dry weather conditions to minimize the potential for encountering CTS.
2. Work will be conducted during daylight hours only, when amphibians are least likely to be moving aboveground.
3. Work should be postponed if chance of rain is greater than 70% based on the NOAA National Weather Service forecast or within 48 hours following a rain event greater than 0.1 inch. If work must occur during these conditions, a qualified biologist will conduct a clearance sweep of work areas prior to the start of work.
4. If an unpredicted rainfall event commences while construction activities are in progress, the applicant will suspend all work activities and equipment and personnel will be demobilized. Equipment may be moved to a designated staging area until work is allowed to resume. The designated area will be a hard surface devoid of small mammal burrows.
5. Trenches will be covered or have adequate means of escape (earthen ramps not more than 2:1 slope, wooden boards, etc.).
6. No equipment will be left on-site overnight outside of the designated areas, defined as those areas that are enclosed with silt fence or some other barrier designed to reasonably prevent wildlife from entering.
7. Work locations, access routes, and staging areas will be reviewed and clearly delineated by the project biologist with staking or flagging prior to mobilization.
8. All equipment will be staged at the maximum distance possible from riparian habitat or water bodies.
9. Refueling or maintenance of vehicles or equipment will not occur within 100 feet of any riparian habitat or water body.
10. Vehicles and equipment will be checked daily for leaks, and all vehicular fluid spills will be contained and cleaned up immediately.

11. All construction-related vegetative debris (e.g., larger brush, tree limbs, tree trunks) will be hauled inside the designated area daily. Stockpiles of vegetative debris and tree mulch will be kept in a contained area inside the designated area, and intermittently hauled offsite for disposal.

12. All construction-related debris, particularly food-related debris, will be disposed of in the crew's vehicles and taken offsite, or in a closed receptacle that will not attract scavenger wildlife.

13. A Service-approved biological monitor will conduct daily pre-construction surveys within the construction zone prior to work beginning each day during preliminary grading and site preparation. Thereafter, site inspections will continued on a less frequent basis as determined by the biological monitor. The biological monitor will have the authority to halt construction if necessary to limit unanticipated adverse impacts to water quality, fish and wildlife, and habitats.

14. Small mammal burrows will be identified with stakes or pin flags so that they may be excavated prior to construction in that area. A 20-foot radius area will be fenced around each burrow or burrow complex to ensure that vehicles, equipment, and personnel avoid the area.

15. The approved biological monitor will present a Worker Environmental Awareness Program to the crew prior to the commencement of construction and to any new crew members prior to beginning work on the jobsite. The training will include this list of avoidance and minimization measures, and will describe the identification and natural history of listed species (with emphasis on California tiger salamander), regulatory context, and required measures to minimize or avoid incidental take of listed species.

16. The work area will be surrounded by a solid temporary exclusion fence (such as silt fence) that will be buried into the ground and extend at least three feet above the ground and buried to a depth of at least six (6) inches to exclude CTS from entering the work area. The location of the fencing will be determined by a Service-approved biologist. The fencing will be installed during the dry conditions prior to rain events that may stimulate movement of CTS. The fence will be inspected daily to assure that it is functioning properly to exclude CTS from the work area. Ingress/egress will be temporarily sealed off overnight using a section of fence that is anchored to the ground (e.g., fire hose filled with sand or sand bags can be used to anchor the bottom of the fence or the bottom must be buried).

17. All boreholes will be completely backfilled by the end of each work day and not be left open overnight.

18. Prior to the start of construction, a Service-approved California tiger salamander biologist will conduct a preconstruction survey for salamanders within the project site.

19. Rodent burrows will be avoided to the extent possible. If burrows cannot be avoided, burrow excavation may be performed using hand tools or via gentle excavation using construction equipment, under the direct supervision of a Service-approved biologist, until it is certain that the burrows are unoccupied.

In lieu of burrow excavation, steel plates or plywood may also be utilized to protect small mammal burrows from ground disturbance. Plates and plywood will be removed nightly when a significant rain event is forecasted within 48 hours and will be removed if work is scheduled to cease for consecutive days. Any individuals encountered will be allowed to vacate the area on their own accord or relocated out of harm's way in accordance with Measure 20, below.

20. The Service-approved biologist will search all potential hiding spots for CTS. If any life stage of the California tiger salamander is found and these individuals are likely to be killed or injured by work activities, the Service-approved biologist will be allowed sufficient time to move them from the site before work begins.

21. Any CTS (or other wildlife) will be allowed to vacate the worksite on its own accord under the observation of a Service-approved biologist. If CTS (or other wildlife) do not relocate on their own, or if they are in harm's way, they will be relocated out of harm's way to nearby suitable habitat, similar to that in which it was found, and outside the project area. CTS will not be relocated, except by a Service-approved biologist. The Declining Amphibian Task Force Fieldwork Code of Practice will be implemented for all amphibian relocation activities.

The Service-approved biologist will relocate any CTS found within the project footprint to an active rodent burrow system located no more than 300 feet outside of the project area unless otherwise approved by California Department of Fish and Wildlife and the Service. The individual(s) will be handled with clean and moist hands. During relocation they will be placed in a clean, covered plastic container with a non-cellulose moistened sponge. Relocations will take place immediately; individuals will not be stored for lengthy periods or in heated areas. The relocation container will be kept out of direct sunlight.

The relocated California tiger salamander will be monitored until it enters a burrow and is concealed underground. Relocation areas will be identified by the Service-approved biologist based upon best suitable habitat available. The Service-approved biologist will document both locations by photographs and GPS positions. The California tiger salamander will be photographed and measured (snout-vent) for identification purposes prior to relocation. All documentation will be provided to the Service and California Department of Fish and Wildlife within 24 hours of relocation.

### Mitigation Measures

In order to determine the amount of mitigation needed, the value of the impacted habitat was calculated using the methodology outlined in Searcy and Shaffer (2008), incorporating

the amount of aquatic breeding habit and upland habitat covering the site to be impacted. A mitigation ratio of 1:1 (reproductive units lost: mitigation units required) was then applied for impacts to habitats. The method described in Searcy and Shaffer (2008) attaches a value to habitat that scales with the reproductive value of the individuals estimated to be occupying an area.

For this HCP, the Service conducted a model run (utilizing Searcy and Shaffer [2008]). In order to determine the reproductive value lost through implementation of a covered activity, the model was run to calculate the reproductive value that would be lost. To compensate for the loss of upland habitat, the applicant is proposing to purchase a sufficient number of credits from a Service approved conservation bank, such as the La Purisima Conservation Bank, to offset unavoidable impacts that would result from implementation of the project.

### Monitoring

Monitoring tracks compliance with the terms and conditions of the HCP and Incidental Take Permit. There are three types of proposed monitoring: (1) compliance monitoring tracks permittee compliance with the requirements specified in the HCP and ITP; (2) effects monitoring tracks the impacts of the covered activities on the covered species; and (3) effectiveness monitoring tracks the progress of the conservation strategy in meeting the HCP's biological goals and objectives.

**II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?** *The answer must be "yes" to all three questions below for a positive determination. Each response should include an explanation. If the answer is "no" to any question, the action cannot be categorically excluded, and an Environmental Assessment or an Environmental Impact Statement must be prepared.*

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?** [516 DM 8.5(C)(2); HCP Handbook] *Consider the degree or amount of take and the impact of that take on the species. Although take may occur under project implementation, after the minimization and mitigation measures proposed in the HCP are done, the impacts must be so minor as to result in negligible effects to the species (516 DM 8).*

Yes, the effects of the HCP are minor on the federally listed CTS and its habitat. The area proposed for development only contains upland habitat for the CTS; no breeding habitat would be impacted as a result of the proposed development. The project area abuts the city of Orcutt which is highly disturbed and provides little or no suitable CTS habitat. Furthermore, the amount of individual take that is likely to occur as a result of the project is low (up to 10 individuals).

**B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), prior to implementation of the**



**minimization and mitigation measures?** [40 CFR 1508.14; 43CFR 46.205; HCP Handbook] *We do not consider a CatEx for these human environment factors; the Service's primary authority is to laws under their jurisdiction. If the HCP includes minimization and mitigation measures for these other components as part of their project, we can enforce compliance by requiring in the permit that permittees fully implement their HCP.*

Yes, the effects on the HCP are minor and negligible on all other components of the human environment, including environmental values and environmental resources. The project would have negligible effects to air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.

**C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant?** [40 CFR 1508.7; 43CFR 46.205; HCP Handbook]

Yes, the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) would not result, over time, in a cumulative effects to the human environment which would be considered significant. Any present and future projects that may occur in the vicinity of the permit area must include, when appropriate, minimization measures and mitigation that will minimize and avoid effects to environmental resources and listed species

**III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?** *If the answer is "yes" to any of the questions below, the permit action cannot be categorically excluded from additional NEPA analysis, and an Environmental Assessment or an Environmental Impact Statement must be prepared. Each "no" response should include an explanation.*

**Would implementation of the HCP:**

**A. Have significant impacts on public health or safety?**

No, the project would have no implications on the health and/or safety of the public.

**B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?**

No, the project would not have any significant impacts on natural resources and/or unique geographic characteristics such as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal

drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources because none occur within the covered lands of the HCP.

**C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?**

No, the project does not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

**D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?**

No, the project does not have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No, the project does not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No, the project does not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects because the proposed project does not have direct relationship to any other actions.

**G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?**

No, the project does not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places because none occur within the covered lands of the HCP.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?** *Consider the degree or amount of take and the impact of the take on the species. Although take may occur under project implementation, it must be so minor as to result in negligible species effects after minimization and mitigation measures have been completed. The same concept applies when considering effects to critical habitat.*

No, the proposed project would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. The area proposed for development only contains

upland habitat for the CTS; no breeding habitat would be impacted as a result of the proposed development. The project area abuts the city of Orcutt which is highly disturbed and provides little or no suitable CTS habitat.

The anticipated amount of take would be relatively low (up to 10 individuals) and would predominately occur within the form of capture and relocation. Overall this take would be so minor it would result in negligible species effects.

**I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.**

No, the project would not violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

**J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

No, the project would not have a disproportionately high and adverse effect on low income or minority populations.

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

No, the project would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites because these sites do not exist on site.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

No, the project would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. Alternatively, the project would result in the removal of noxious weeds.



#### IV. ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for Rice Ranch Development Project HCP qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Rice Ranch Development Project HCP. Therefore, the Service's permit action for Rice Ranch Development Project HCP is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

Rice Ranch Development Habitat Conservation Plan

Signature Approval:

  
\_\_\_\_\_

Stephen P. Henry  
Field Supervisor  
Ventura Fish and Wildlife Office

10/10/17  
Date